



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

TSCA Subpoena No. PCB-01-13-0001

Wendy Blanchard
Nat Tuttle
Blanchard Auto Salvage LLC
47 Greenville Road
Wilton, NH 03086-5701

Re: **SUBPOENA under Section 11(c) of the Toxics Substances Control Act.**

Dear Ms. Blanchard and Mr. Tuttle:

The United States Environmental Protection Agency (EPA) has received information regarding the shipment of waste oil from Blanchard Auto Salvage LLC, 47 Greenville Road, Wilton, NH (Blanchard) that was shipped in violation of federal Polychlorinated Biphenyl (PCB) regulations found at 40 CFR Part 761, promulgated under the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605.

On August 27, 2012 Clean Harbors Environmental Services Inc (CH) pumped out eight drums of waste at Blanchard, totaling 400 gallons, into its tanker truck number 4191 (TT4191). The waste was shipped on manifest # 005554838 FLE, from Blanchard via CH to Murphy's Waste Oil Services Inc (Murphy's). The waste was identified on manifest # 005554838 FLE as petroleum oil. Upon receipt of the waste, Murphy's sampled and analyzed the load for PCBs. The analysis determined that PCBs were present at over 50 parts per million (ppm). Due to the PCB contamination CH returned to Blanchard to collect residual samples from the eight drums pumped out on August 27, 2012. Two composite samples were made from the eight residual samples and analyzed for PCBs. One of the composite samples showed PCB contamination at a concentration of 19,200 ppm. The other generators whose waste was also added to TT4191 had retain samples collected by CH and analyzed for PCBs. All retain samples collected from the other generators were non-detect for PCBs. Only the Blanchard retain sample showed PCB contamination.

By this letter, EPA is requiring you to submit information concerning Blanchard's receiving, processing, storing, handling, and shipment of the waste identified above. Section 11(c) of TSCA, 15 U.S.C. § 2610(c), authorizes the Administrator of EPA to require, by Subpoena, the submission

of information for the purpose of, among other things, determining whether violations of the PCB regulations have occurred. Failure to fully and truthfully submit the information required by the Subpoena can result in further action to enforce this Subpoena in federal court. In addition, the failure or refusal to submit the information required in this Subpoena may subject Blanchard to civil and/or criminal penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615. The issuance of this document does not preclude the issuance of further Subpoenas relating to this matter.

In the following questions, the term "Site" refers to the Blanchard Auto Salvage LLC, 47 Greenville Road, Wilton, NH. Please provide the following information within twenty (20) calendar days from the date of receipt of this TSCA Subpoena:

- 1) Provide the full legal name and mailing address of Blanchard Auto Salvage LLC. Include the names, titles and contact information of the owners/officers of the company.
- 2) Provide the full legal address of the Site.
- 3) Provide information on the source or sources of the waste shipped on manifest # 005554838 FLE. The term, "source" means the origin and/or originator of the waste. Specifically the following information should be included:
 - a) Name and address of the source(s);
 - b) Type and quantity of material;
 - c) Type of container the material was received in such as: drum, tank, equipment, etc;
 - c) Date the material was received;
 - d) Any analytical results and waste profiles on the material received;
 - e) Copies of bill of lading, manifest or other documents recording the receipt of the material;
 - f) For any of the material received in a drum, tank, equipment, etc., provide information on where the drum, tank, equipment, etc., is currently. If the item has been shipped off site, provide any and all documentation on the shipment of the item;
 - g) Identify if Blanchard added any oil or other type of waste from its own operations into the waste shipped on manifest # 005554838 FLE. If so identify the drum, tank, equipment, etc., from which the oil was taken; and
 - e) Identify any and all equipment at the Site that contains oils and/or hydraulic fluid. This includes any and all inactive and active equipment that is present at the Site.
- 4) Provide information on any analytical or profiling conducted on the waste prior to shipping on manifest # 005554838 FLE.
- 5) Provide information on where the waste shipped on manifest #005554838 FLE currently is. If the waste has been shipped for disposal provide a copy of the manifest and a certificate of disposal.

Submit all information required above to the following address:

U.S. Environmental Protection Agency
Office of Environmental Stewardship
5 Post Office Square, Suite 100 (Mail Code OES05-4)
Boston, MA 02109-3912
Attention: Marianne Milette, PCB Enforcement Coordinator

If you wish to claim some or all of the information you submit as "confidential business information," you must follow the procedures described in EPA's regulations at 40 C.F.R. Part 2, Subpart B. Not all business information is entitled to confidential treatment. To properly qualify for such a claim, the information must meet the substantive criteria outlined in 40 C.F.R. § 2.208. Please call Marianne Milette at (617) 918-1854 before claiming information as confidential so that she can explain how to (a) safely send such information to EPA and (b) provide EPA with a second, non-confidential version of the information. Any information that is not claimed as confidential may be released to the public under the Freedom of Information Act without further notice to you.

EPA Contacts

For technical questions regarding this TSCA Subpoena, you should contact Marianne Milette, PCB Enforcement Coordinator, EPA Office of Environmental Stewardship, at (617) 918-1854. For legal matters, have your attorney contact Catherine Smith, Senior Enforcement Counsel, EPA Office of Environmental Stewardship, at (617) 918-1777.

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region I - New England

Date: 03/05, 2013

cc: Marianne Milette, Region I
Catherine Smith, Region I
Pamela Hoyt- Denison, NHDES